

Message Text

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DRAFTED BY:D:LOS:WWNEWLIN
APPROVED BY:THE SECRETARY
S:P:MR. LORD
D:LOS:AMB. BREWSTER
ARA:MLUERS
AF:DROLEN
EA:LEDMOND
NEA:ALATHERTON
EUR:AHARTMAN
S:S:MR. SEBASTIAN
DESIRED DISTRIBUTION: S S/S S/O D/LOS L OES EB INR ARA EA
EUR AF NEA

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FM SECSTATE WASHDC
TO AMEMBASSY ABIDJAN NIACT IMMEDIATE
AMEMBASSY BOGOTA NIACT IMMEDIATE
AMEMBASSY BONN NIACT IMMEDIATE
AMEMBASSY BRASILIA NIACT IMMEDIATE
AMEMBASSY BUENOS AIRES NIACT IMMEDIATE
AMEMBASSY CAIRO NIACT IMMEDIATE
AMEMBASSY CANBERRA NIACT IMMEDIATE
AMEMBASSY CARACAS NIACT IMMEDIATE
AMEMBASSY DAKAR NIACT IMMEDIATE
AMEMBASSY JAKARTA NIACT IMMEDIATE
AMEMBASSY JIDDA NIACT IMMEDIATE
AMEMBASSY KATHMANDU NIACT IMMEDIATE
AMEMBASSY KINGSTON NIACT IMMEDIATE
AMEMBASSY KINSHASA NIACT IMMEDIATE
AMEMBASSY KUALA LUMPUR NIACT IMMEDIATE
AMEMBASSY LA PAZ NIACT IMMEDIATE
AMEMBASSY LIMA NIACT IMMEDIATE
AMEMBASSY LONDON NIACT IMMEDIATE
AMEMBASSY LUSAKA NIACT IMMEDIATE
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AMEMBASSY MEXICO NIACT IMMEDIATE
AMEMBASSY MONROVIA NIACT IMMEDIATE
AMEMBASSY NAIROBI NIACT IMMEDIATE
AMEMBASSY NASSAU NIACT IMMEDIATE
AMEMBASSY OSLO NIACT IMMEDIATE

AMEMBASSY OTTAWA NIACT IMMEDIATE
AMEMBASSY RABAT NIACT IMMEDIATE
AMEMBASSY SAN JOSE NIACT IMMEDIATE
AMEMBASSY SANTIAGO NIACT IMMEDIATE
AMEMBASSY SINGAPORE NIACT IMMEDIATE
AMEMBASSY TEHRAN NIACT IMMEDIATE
AMEMBASSY THE HAGUE NIACT IMMEDIATE
AMEMBASSY TOKYO NIACT IMMEDIATE
AMEMBASSY TUNIS NIACT IMMEDIATE
AMEMBASSY VIENNA NIACT IMMEDIATE
AMEMBASSY WELLINGTON NIACT IMMEDIATE
FO USMISSION USUN NEW YORK IMMEDIATE 0898/99/00/01
AMEMBASSY PARIS IMMEDIATE

C O N F I D E N T I A L STATE 213536

EXDIS FROM THE SECRETARY FOR THE AMBASSADOR OR CHARGE

C O R R E C T E D C O P Y (LINE 12 PARA 3 OMITTED)

E.O. 11652: GDS

TAGS: PLOS

SUBJECT: LOS: MESSAGE FROM THE SECRETARY TO
FOREIGN MINISTERS

1. PLEASE DELIVER AT THE EARLIEST POSSIBLE MOMENT MESSAGE
BELOW FROM ME TO THE FOREIGN MINISTER. ADVISE WHEN DELIVERED.

2. DEPARTMENT DOES NOT PLAN TO RELEASE TEXT AND WOULD
PREFER THAT IT NOT BE RELEASED BY THE RECIPIENT. IF
RELEASE BECOMES AN ISSUE PLEASE REPORT TO THE DEPARTMENT
BY IMMEDIATE CABLE.

3. BEGIN TEXT: DEAR (APPROPRIATE SALUTATION)
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IN MY MESSAGE TO YOU EARLIER ON THE IMPORTANCE OF THE LAW
OF THE SEA NEGOTIATIONS, I INDICATED THAT I WOULD BE
GIVING THESE ISSUES MY IMMEDIATE AND URGENT ATTENTION AND
THAT I WOULD BE HEADING THE US DELEGATION TO THIS SESSION.
I ALSO NOTED, AS EVENTS UNFOLD, I WOULD BE IN TOUCH WITH
YOU ABOUT ADDITIONAL IDEAS ON HOW WE MIGHT FURTHER THESE
NEGOTIATIONS.

I HAVE RECENTLY VISITED THE NEW YORK SESSION TO OBTAIN A
FIRST-HAND ASSESSMENT. I MADE CONTACT WITH THE CONFERENCE
LEADERSHIP AND OBTAINED THEIR VIEWS ON THE OUTSTANDING
ISSUES AT THIS VERY CRUCIAL SESSION. I ALSO MET WITH A
FEW DELEGATIONS TO OBTAIN THEIR PERSONAL ASSESSMENT OF
WHERE THE NEGOTIATIONS STAND.

AS YOU KNOW, THE UNITED STATES HAS SET FORTH MAJOR INITIATIVES WITH RESPECT TO THE OUTSTANDING ISSUES IN AN EFFORT TO ACHIEVE A CONSENSUS. WE ARE PREPARED TO WORK TOWARDS A FINAL ACCEPTABLE OVERALL PACKAGE AT THIS SESSION. THIS SETTLEMENT MUST, HOWEVER, FULLY PROTECT THE VITAL INTERESTS OF THE CONCERNED COUNTRIES AND PROVIDE FOR AN EQUITABLE OCEANS REGIME WHICH HAS THE HOPE OF BRINGING ORDER TO THIS VAST AND COMPLEX AREA.

THERE IS ALREADY AN EMERGING CONSENSUS ON A NUMBER OF VITAL ISSUES SUCH AS TRANSIT THROUGH STRAITS, A 12-MILE TERRITORIAL SEA, AND COASTAL STATE RIGHTS OVER RESOURCES IN THE ECONOMIC ZONE. THERE ARE ALSO A NUMBER OF OUTSTANDING QUESTIONS WHICH MAY REQUIRE OUR ATTENTION.

I BELIEVE THAT A SATISFACTORY LAW OF THE SEA CONVENTION CAN BE REACHED BASED ON THE FOLLOWING BASIC PRINCIPLES DEALING WITH THE STILL UNRESOLVED ISSUES OF THIS SESSION:

(A) THAT THE COMMON HERITAGE OF MANKIND CONCEPT MEANS ACCESS BY ALL COUNTRIES TO DEEP SEABED MINERALS UNDER FAIR CONDITIONS. WE BELIEVE THAT THERE SHOULD BE A DUAL SYSTEM OF EXPLOITATION, PROVIDING FOR NATIONAL OR PRIVATE EXPLOITATION ALONG WITH DIRECT EXPLOITATION BY THE "ENTERPRISE" REPRESENTING THE AUTHORITY. IN ADDITION, CONFIDENTIAL

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REVENUE SHARING FROM ALL MINING SHOULD GO TO THE INTERNATIONAL COMMUNITY.

(B) THAT A 200-MILE ECONOMIC ZONE BE ESTABLISHED WHICH IS BALANCED BETWEEN ECONOMIC RIGHTS AND RESPONSIBILITIES IN THE ZONE ON THE PART OF COASTAL STATES WHILE MAINTAINING THOSE HIGH SEAS RIGHTS OF THE INTERNATIONAL COMMUNITY WHICH SERVE THE NEEDS OF ALL NATIONS. A DEFINITION OF THE CONTINENTAL MARGIN BEYOND 200 MILES AND A FORMULA FOR REVENUE-SHARING BY THE COASTAL STATE IN THIS AREA MUST ALSO BE FORMULATED TO PROTECT THE INTERESTS OF THE INTERNATIONAL COMMUNITY.

(C) THAT THE RIGHT TO CONDUCT SCIENTIFIC RESEARCH IS PRESERVED, SUBJECT TO CERTAIN SPECIFIC RIGHTS AND OBLIGATIONS OF THE COASTAL STATES IN THE ECONOMIC ZONE. SCIENTIFIC RESEARCH DIRECTLY RELATED TO EXPLORATION AND EXPLOITATION FOR RESOURCES WITHIN THE ZONE OR INVOLVING DRILLING ON THE CONTINENTAL SHELF WOULD BE SUBJECT TO A CONSENT REGIME. FURTHER, WE BELIEVE THAT THERE SHOULD BE MARINE POLLUTION PROVISIONS PROTECTING THE OCEAN'S ECOLOGY FROM

SERIOUS HARM.

(D) FINALLY, THAT THERE BE A SYSTEM OF EFFECTIVE COMPULSORY DISPUTE SETTLEMENT FOR THE ENTIRE TREATY, INCLUDING THE ECONOMIC ZONE.

WITHIN THE CONTEXT OF THESE PRINCIPLES THE UNITED STATES IS PREPARED TO BE FLEXIBLE ON HOW TO ACHIEVE THESE GOALS.

THE NEGOTIATIONS ARE NOW IN A CRUCIAL STAGE FROM WHICH THE CONFERENCE CAN GO FORWARD BASED ON REASONABLE ACCOMMODATION OF INTERESTS OR COLLAPSE AND LEAD TO CONFRONTATION AND STALEMATE. WHILE SOME SIGNS OF MODERATION AND SERIOUS QUIET NEGOTIATIONS ARE APPEARING, THERE IS STILL A TENDENCY TOWARD PUBLIC DEBATE OF OLD POSITIONS. ALSO THERE IS A MEASURE OF PESSIMISM WHICH WILL REQUIRE ENLIGHTENED LEADERSHIP TO OVERCOME.

GIVEN THE IMPORTANCE OF THESE NEGOTIATIONS AND THE NEED TO CONFIDENTIAL

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REACH AGREEMENT ON THE MAJOR UNRESOLVED PROBLEMS, I WILL BE RETURNING TO NEW YORK ON SEPTEMBER 1. AT THAT TIME I PLAN TO MEET WITH KEY LEADERS AT THE CONFERENCE AND MAY PERSONALLY PUT FORTH SOME SPECIFIC IDEAS IN ORDER TO ACHIEVE SIGNIFICANT PROGRESS ON AN OVERALL PACKAGE. I HOPE OUR COUNTRIES CAN COOPERATE CLOSELY IN THE NEXT FEW WEEKS AND WOULD GREATLY APPRECIATE YOUR INSTRUCTING YOUR DELEGATION TO HELP IN ADVANCING THE NEGOTIATIONS.

NATIONS RARELY HAVE THE OPPORTUNITY TO CREATE A LASTING FRAMEWORK FOR SUCH A VAST AND VITAL AREA OF THE GLOBE. THE ALTERNATIVE TO SUCCESS IS INCREASING CONFLICT, RESULTING IN LOSS TO ALL OF OUR PEOPLES AND DAMAGE TO THE OCEAN'S LONG-TERM INTEGRITY AND ABUNDANCE. THIS IS A TIME FOR CREATIVE STATESMANSHIP AT THE HIGHEST LEVEL. I HOPE YOU WILL GIVE THESE NEGOTIATIONS YOUR PERSONAL ATTENTION SO AS TO HELP BRING ABOUT A LAW OF THE SEA CONVENTION THAT WILL SERVE THE WORLD COMMUNITY.

SINCERELY,

S/ HENRY A. KISSINGER END TEXT.

4. FOR BONN:

ADD AS LAST PARAGRAPH: BEGIN TEXT.

ON A PERSONAL NOTE, I WAS MOST PLEASED THAT YOU WERE ABLE TO VISIT WASHINGTON IN JULY, IF ONLY FOR A BRIEF STOPOVER. YOU KNOW HOW MUCH I VALUE OUR FORTUNATELY FREQUENT TALKS. AS ON ALL PREVIOUS OCCASIONS, I FOUND OUR BREAKFAST MEETING BEFORE YOUR DEPARTURE FOR NEW YORK MOST USEFUL INDEED AND I LOOK FORWARD TO OUR NEXT MEETING. END TEXT.

5. FOR BRAZILIA:

INSERT AS NEW PARAGRAPH IMMEDIATELY BEFORE FINAL PARAGRAPH
FOLLOWING: BEGIN TEXT.

BRAZIL'S IMAGINATIVE AND CONSTRUCTIVE APPROACH IN THE
COMMITTEE I DELIBERATIONS HAS MADE A MAJOR CONTRIBUTION
CONFIDENTIAL

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TO THE PROGRESS REALIZED TO DATE ON DEEP SEABEDS ISSUES.
WHILE IMPORTANT AREAS OF DIVERGENCE REMAIN BETWEEN US, PAR-
TICULARLY WITH RESPECT TO COMMITTEE II CONSIDERATION OF A
REGIME FOR THE ECONOMIC ZONE AND RIGHTS OF SCIENTIFIC RE-
SEARCH WITHIN THE ZONE, IT IS IMPORTANT THAT WE INTENSIFY
OUR EFFORTS TO FIND FORMULAS WHICH CAN ACCOMMODATE THE
DIFFERING INTERESTS INVOLVED. END TEXT.

6. FOR CANBERRA:

ADD FOLLOWING PARAGRAPH BEFORE CLOSE: BEGIN TEXT.

I APPRECIATE YOUR NOTE OF AUGUST 9 IN RESPONSE TO MINE
OF AUGUST 3. END TEXT.

7. FOR JAKARTA:

ADD FOLLOWING AFTER LAST SENTENCE IN NEXT TO LAST PARA-
GRAPH WHICH ENDS QUOTE TO HELP IN ADVANCING THE
NEGOTIATIONS END QUOTE: BEGIN TEXT.

AS YOU RECOMMENDED, MY DELEGATION WILL BE COOPERATING
CLOSELY WITH MINISTER MOCHTAR AND THE INDONESIAN DELE-
GATION IN THE NEXT FEW WEEKS. END TEXT.

8. FOR JIDDA:

ADD FOLLOWING IMMEDIATELY BEFORE CLOSE: BEGIN TEXT.

I AM LOOKING FORWARD TO SEEING YOU IN WASHINGTON IN MID-
SEPTEMBER. END TEXT.

9. FOR KINGSTON:

ADD FOLLOWING PARAGRAPH JUST BEFORE CLOSE: BEGIN TEXT.

I APPRECIATE YOUR NOTE OF AUGUST 5 IN REPLY TO MINE OF
AUGUST 3. END TEXT.

10. FOR KINSHASA:

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INSERT BEFORE PARAGRAPH ONE FOLLOWING PARAGRAPH: BEGIN TEXT.

IT WAS CERTAINLY A PLEASURE TO SEE YOU AGAIN IN WASHINGTON DURING AUGUST. BESIDE THE IMPORTANT AFRICAN QUESTIONS THAT WE DISCUSSED THEN, THERE ARE OTHER ISSUES OF A BROADER NATURE THAT ARE CONFRONTING ALL NATIONS. END TEXT.

11. FOR KUALA LUMPUR:

ADD FOLLOWING AFTER LAST SENTENCE IN NEXT TO LAST PARAGRAPH WHICH ENDS QUOTE TO HELP IN ADVANCING THE NEGOTIATIONS END QUOTE: BEGIN TEXT.

MY DELEGATION WILL BE COOPERATING CLOSELY WITH MINISTER KADIR AND THE MALAYSIAN DELEGATION IN THE NEXT FEW WEEKS. END TEXT.

12. FOR LIMA:

ADD FOLLOWING AS FIRST PARAGRAPH TO MESSAGE: BEGIN TEXT.

I HAVE RECEIVED YOUR RESPONSE OF AUGUST 16 TO MY EARLIER MESSAGE ON THE IMPORTANCE OF THE LAW OF THE SEA NEGOTIATIONS AND APPRECIATE THE SENTIMENTS YOU EXPRESSED, PARTICULARLY THE STATEMENT OF YOUR WILLINGNESS TO CONSIDER PERSONALLY ANY ISSUE REQUIRING A POLITICAL DECISION. END TEXT.

13. FOR LONDON:

ADD FOLLOWING PARAGRAPH JUST BEFORE CLOSE: BEGIN TEXT.

I AM SORRY WE MISSED EACH OTHER DURING MY TRIP EARLIER THIS MONTH, BUT I LOOK FORWARD TO SEEING YOU AGAIN IN NEW YORK AT THE GENERAL ASSEMBLY. END TEXT.

14. FOR MEXICO:

ADD FOLLOWING SENTENCE TO END OF PARAGRAPH TWO: BEGIN CONFIDENTIAL

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TEXT.

MY DISCUSSION WITH AMBASSADORS GONZALEZ DE LEON AND TELLO WAS PARTICULARLY USEFUL. END TEXT.

15. FOR NAIROBI:

ADD FOLLOWING PARAGRAPH JUST BEFORE CLOSE: BEGIN TEXT.

I LOOK FORWARD TO FURTHER COLLABORATION BETWEEN OUR TWO COUNTRIES ON THIS ISSUE. I ENJOYED SEEING YOU RECENTLY IN WASHINGTON AND HOPE THAT WE WILL MEET AGAIN SOON. END TEXT.

16. FOR OSLO:

ADD FOLLOWING PARAGRAPH JUST BEFORE CLOSE: BEGIN TEXT.

AS THE REPRESENTATIVE OF A SEAFARING NATION WITH ONE OF THE WORLD'S LARGEST MERCHANT FLEETS, I KNOW THAT YOU SHARE MY VIEWS ON THE PROFOUND IMPORTANCE OF A SUCCESSFUL LOS CONFERENCE. I ENJOYED MY VISIT TO OSLO LAST MAY AND THE OPPORTUNITY TO REVIEW U.S.-NORWEGIAN RELATIONS WITH YOU. END TEXT.

17. FOR SAN JOSE:

INSERT FOLLOWING BETWEEN PARAGRAPHS ONE AND TWO: BEGIN TEXT.

AMBASSADOR TODMAN HAS RELAYED YOUR EXPRESSION OF AGREEMENT WITH THE VIEWS I SET FORTH AND REPORTED THAT YOU INTEND TO INSTRUCT THE COSTA RICAN DELEGATION TO WORK CLOSELY WITH THE US DELEGATION AT THE CONFERENCE. I AM GRATEFUL FOR THIS INDICATION OF SUPPORT. END TEXT.

18. FOR THE HAGUE:

ADD FOLLOWING PARAGRAPH JUST BEFORE CLOSE: BEGIN TEXT.

I AM GLAD THAT WE WERE ABLE TO MEET IN THE HAGUE AND
CONFIDENTIAL

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VERY MUCH APPRECIATE YOUR HOSPITALITY THERE. I LOOK FORWARD TO SEEING YOU DURING THE GENERAL ASSEMBLY SESSION. END TEXT.

19. FOR TOKYO:

ADD FOLLOWING SENTENCE TO END OF PARAGRAPH TWO: BEGIN TEXT.

I PARTICULARLY APPRECIATED THE OPPORTUNITY OF MEETING WITH AMBASSADOR FUJISAKI IN NEW YORK ON AUGUST 13. WE HAD A USEFUL EXCHANGE OF VIEWS. END TEXT.

ALSO ADD FOLLOWING PARAGRAPH JUST BEFORE CLOSE: BEGIN TEXT.

I LOOK FORWARD TO SEEING YOU AT THE GENERAL ASSEMBLY IN
ANY EVENT. END TEXT.

20. FOR PARIS:

SEPTTEL FOLLOWS.

KISSINGER

CONFIDENTIAL

<< END OF DOCUMENT >>

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BOGOTA NIACT
BONN NIACT
BRASILIA NIACT
BUENOS AIRES NIACT
CAIRO NIACT

CANBERRA NIACT
CARACAS NIACT
DAKAR NIACT
JAKARTA NIACT
JIDDA NIACT
KATHMANDU NIACT
KINGSTON NIACT
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OSLO NIACT
OTTAWA NIACT
RABAT NIACT
SAN JOSE NIACT
SANTIAGO NIACT
SINGAPORE NIACT
TEHRAN NIACT
THE HAGUE NIACT
TOKYO NIACT
TUNIS NIACT
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